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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,416	03/30/2005	Harald Karl Gretsch	W1.1996 PCT-US	7919
7590 Douglas R Hanscom Jones Tullar & Cooper P O Box 2266 Eads Station Arlington, VA 22202	10/09/2007		EXAMINER SHECHTMAN, SEAN P	
			ART UNIT 2125	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/529,416	GRETSCHE, HARALD KARL
	<b>Examiner</b>	<b>Art Unit</b>
	Sean P. Shechtman	2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 August 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 99-116 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 99-116 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 March 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
  - 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
  - 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/28/07.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
  - 5) Notice of Informal Patent Application
  - 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 99-116 are presented for examination. Claims 1-98 have been cancelled.

### *Drawings*

2. Objections withdrawn in light of the amendment.

### *Specification*

3. Objections withdrawn in light of the amendment.

### *Claim Objections*

4. Objections withdrawn in light of the amendment.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 99-116 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 99 provides for the use of said roll transport system, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 99-116 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 99-116 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 99-107, 113, 114, 116 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,803,634 to Ohno et al (hereinafter referred to as Ohno).

Referring to claim 99, Ohno teaches a method for supplying rolls to a web-fed rotary printing press (Col. 26, line 25, "the supply of newsprint rolls to the press") including: providing a roll supply system (Fig. 28, 29A and 29B) having at least a first subsystem embodied as a roll storage facility (Fig. 29A, element 26) and having at least a second subsystem embodied as a roll transport system (Fig. 29A, element 3114, transport conveyor described in Col. 27, lines 3-14, and any element of Figs. 29A and 29B that transports newsprint rolls); providing a material flow system having a planning level and a coordination level for controlling at least said roll transport system (Fig. 28, the combination of elements 3100 and 3101; Col. 26, lines 28-33, element 3101 controls the transport of newsprint rolls to the newsprint roll preparation floor 26 from the warehouse 27 in accordance with instructions from element 3100) and for receiving stock data from said roll storage facility (Fig. 28, element 3102, quantity of

newsprint rolls on standby by size);

providing a product planning system having production-relevant planning data regarding pending productions of said web-fed rotary printing press (Fig. 28, element 3104; Col. 26, lines 48-59, for example, the total number of copies to be printed on the current day);

providing actual production data in said web-fed rotary printing machine (Fig. 28, element 3105, signal on success or failure of pasting; Fig. 29B, element 3105 is the feeding unit control device of the feeding unit; Col. 12, lines 1-2, element 21 is the feeding unit of the press);

transmitting said actual production data and said planning data to said material flow system (Fig. 28, element 3104; Col. 26, lines 48-59, for example, the total number of copies to be printed on the current day; Fig. 28, element 3105, signal on success or failure of pasting);

developing a supply strategy in said planning level of said material flow system using said actual production data, said planning data and said stock data (Fig. 28, Col. 26, lines 20-37); and

using said supply strategy for supplying rolls to said web-fed rotary printing press from said roll storage facility of said roll supply system and using said roll transport system (Col. 26, lines 22-27, element 3100 controls the supply of newsprint rolls to the press in accordance with the results of the pasting processing from element 3105, element 3105 is the feeding unit control device of the feeding unit 21, element 21 is the feeding unit of the press, Col. 12, lines 1-2).

100. (New) The method of claim 99 further including providing a press management level in said product planning system and further including a fixed signal connection for transmitting data between said press management level and said material flow system (Fig. 1, elements 18 and 13; Col. 4, lines 18-26).

101. (New) The method of claim 99 including providing at least one fixed signal connection

Art Unit: 2125

between said product planning system and said material flow system and transmitting data using said at least one fixed signal connection (Fig. 1, elements 18 and 13; Col. 4, lines 18-26).

102. (New) The method of claim 99 further including providing a data network connecting said roll supply system, said material flow system and said product planning system of said web-fed rotary printing press (Fig. 1, elements 18 and 13; Col. 4, lines 18-26; Fig. 28, element 3102, 3100).

103. (New) The method of claim 99 further including transmitting data between at least one of said subsystems of said roll supply system and said material flow system and using said data transmitted to said material flow system for controlling said at least one subsystem of said roll supply system (Fig. 28, element 3102, 3100, 3104, placing orders for rolls; Col. 26, lines 22-27, element 3100 controls the supply of newsprint rolls to the press in accordance with the results of the pasting processing from element 3105, element 3105 is the feeding unit control device of the feeding unit 21, element 21 is the feeding unit of the press, Col. 12, lines 1-2).

104. (New) The method of claim 102 further including using said data network for transmitting data from said web-fed rotary printing press and said product planning system to said material flow system (Fig. 28, element 3104; Col. 26, lines 48-59, for example, the total number of copies to be printed on the current day; Fig. 28, element 3105, signal on success or failure of pasting) and for transmitting data from said material flow system to at least one of said subsystems in said roll supply system (Fig. 28, element 3102, 3100, 3104, placing orders for rolls;).

105. (New) The method of claim 99 further including providing planned production in said production-relevant planning data (Fig. 28, element 3104; Col. 26, lines 48-59, for example, the total number of copies to be printed on the current day).

106. (New) The method of claim 99 further including transmitting at least one of an identification of a product, a roll circumference, a time and a location of use of a planned product to said material supply system (Fig. 28, element 3104; Col. 26, lines 48-59, for example, the total number of copies to be printed on the current day).

107. (New) The method of claim 99 further including transmitting information regarding actual status of a running production of said web-fed rotary printing press as said production-relevant planning data (Fig. 28, element 3105, signal on success or failure of pasting).

113. (New) The method of claim 99 further including storing rolls in said roll storage facility and monitoring said stored rolls in said material flow system (Fig. 29A, element 26).

114. (New) The method of claim 99 further including providing a flow control of said at least first and second subsystems in said roll supply system using said material flow system (Col. 26, lines 22-27, element 3100 controls the supply of newsprint rolls to the press in accordance with the results of the pasting processing from element 3105).

116. (New) The method of claim 99 further including providing movement control and storage space management of said at least first and second subsystems of said roll supply system in said material flow system (Col. 26, lines 22-27, element 3100 controls the supply of newsprint rolls to the press in accordance with the results of the pasting processing from element 3105; Fig. 28, element 3102, quantity of newsprint rolls on standby by size; Col. 26, lines 30-33, controls the transport of newsprint rolls to element 26).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 108-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohno as applied to claims 99-107, 113, 114, 116 above, and further in view of U.S. Pat. No. 6,591,153 to Crampton et al (hereinafter referred to as Crampton) and further in view of U.S. Pat. No. 5,441,214 to Kushihashi et al (hereinafter referred to as Kushihashi).

Ohno teaches the method above, characterized in that a stock monitoring (Fig. 28, element 3102, quantity of newsprint rolls on standby by size) and the development of the supply strategy takes place on a planning level of the control system (Col. 26, lines 22-27, element 3100 controls the supply of newsprint rolls to the press in accordance with the results of the pasting processing from element 3105, element 3105 is the feeding unit control device of the feeding unit 21, element 21 is the feeding unit of the press, Col. 12, lines 1-2; see also page 25, paragraph 45 of the instant specification); providing a management level signal connection between said roll supply system and said product planning system from at least one fixed signal connection (Fig. 1, elements 18 and 13; Col. 4, lines 18-26; Col. 26, lines 22-27, element 3100 controls the supply of newsprint rolls to the press in accordance with the results of the pasting processing from element 3105).

Ohno teaches all of the limitations set forth above however, fails to teach that information is transmitted regarding an identification of the running production, as well as to an assignment of the planned production to section.

Ohno teaches all of the limitations set forth above however, fails to teach that a consumption calculation takes place on a planning level of the control system.

Art Unit: 2125

Ohno teaches all of the limitations set forth above however, fails to teach that a consumption calculation takes place in the control system on the basis of production-relevant data.

Crampton teaches that information is transmitted regarding an identification of running production (Col. 16, lines 22-64, WIP), as well as to an assignment of planned production to sections (Col. 17, lines 13-19).

Crampton teaches that a consumption calculation takes place on a planning level of a control system on the basis of production-relevant data (Col. 16, lines 59-64; see also page 25, paragraph 45 of the instant specification).

Ohno and Crampton are analogous art because they are from the same field of endeavor, production control systems.

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Ohno with the control strategy of Crampton.

One of ordinary skill in the art would have been motivated to modify Ohno with the control strategy of Crampton, because Crampton teaches that by monitoring for and identifying excess work-in-process, and identifying and scheduling stored orders that consumes the excess work-in-process, the excess work-in-process may be eliminated. Furthermore, Crampton teaches block scheduling such that users can reserve capacity of selected resources to particular product family during specified time intervals, and the activities or assignments scheduled during the reserved time interval will be in a particular order, thereby helping to schedule orders in a way,

Art Unit: 2125

which results in a more efficient and/or cost effective manner (Col. 3, lines 39-53; Col. 17, lines 4-12).

Ohno in view of Crampton teaches all of the limitations set forth above, however, fails to teach that a transmission of data relating to the status of a roll changer takes place via at least one different fixed signal connection between the control system and a control device of the roll changer.

Kushihashi teaches a method characterized in that a transmission of data relating to the status of a roll changer (Col. 6, lines 28-32, start signal) takes place via at least one different fixed signal connection between a control system (Col. 6, lines 28-32, controller) and a control device of the roll changer (Col. 6, lines 28-32, supply section; Col. 6, lines 58-60; Col. 3, lines 12-13).

Ohno in view of Crampton and Kushihashi are analogous art because they are from the same field of endeavor, roll handling and processing systems.

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Ohno in view of Crampton with the signal connection between the control system and a control device of a roll changer, as taught by Kushihashi.

One of ordinary skill in the art would have been motivated to modify Ohno in view of Crampton with the Kushihashi, because Kushihashi teaches the changer can change rolls automatically (Col. 3, lines 31-32). Furthermore, Kushihashi teaches that during automatic changing operation for the web roll, the forming machine goes on being supplied with the paper

web stored in the reservoir box, and therefore its operation can be continued without interruption (Col. 7, lines 3-6).

9. Claims 115 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohno as applied to claims 99-107, 113, 114, 116 above, and further in view of U.S. Pat. No. 6,950,722 to Mountz (hereinafter referred to as Mountz).

Ohno teaches the method above, characterized in that the transmission of the data from the processing machine and the product planning system to the control system, takes place via a common network (Fig. 1, elements 18 and 13; Col. 4, lines 18-26). Ohno teaches the method above, characterized in that the flow control (Col. 26, lines 22-27, element 3100 controls the supply of newsprint rolls to the press in accordance with the results of the pasting processing from element 3105), and movement control of the roll (Col. 26, lines 28-33, element 3101 controls the transport of newsprint rolls to the newsprint roll preparation floor 26 from the warehouse 27 in accordance with instructions from element 3100) and storage space management takes place (Fig. 28, element 3102, quantity of newsprint rolls on standby by size; Col. 26, lines 30-33, controls the transport of newsprint rolls to element 26) on a coordination level of the control system (Fig. 28, the combination of elements 3100 and 3101; see also page 25, paragraph 45 of the instant specification).

Ohno teaches all of the limitations set forth above however, fails to teach that the control system addresses transport orders to the subsystems.

Mountz teaches the control system addresses transport orders to subsystems (Col. 6, lines 56-60).

Ohno and Mountz are analogous art because they are from the same field of endeavor, material handling systems in factories.

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Ohno with the transport ordering and communication system of Mountz.

One of ordinary skill in the art would have been motivated to modify Ohno with the transport ordering and communication system of Mountz, because Mountz teaches that, since the mobile inventory trays may communicate with each other and with the material handling system via radio frequency technology, this provides the advantage that the mobile inventory trays may be directed to various check-in stations and/or pack stations to process orders requested by the MHS while at the same time allowing the mobile inventory trays to navigate the factory floor autonomously using information obtained from the on-board GPS and RF communication systems without any guidance assistance from a remote central computer (Col. 5, lines 4-31; Col. 3, lines 1-14).

***Response to Arguments***

10. Applicant's arguments filed 8/28/07 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the roll supply system is in contact with a coordination level of the material flow system but is not in contact with the planning level of the material flow system; a planning level and a separate

Art Unit: 2125

coordination level) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Conclusion***

**11. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**12.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (571) 272-3754. The examiner can normally be reached on 9:30am-6:00pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SPS

Sean P. Shechtman

September 30, 2007



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